UNITED
NATIONS

A S

General Assembly Security Council

Distr.
GENERAL

A/48/68
S/25146
22 January 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 22 January 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the letter from the Secretary of the Presidency of the Red Cross of Yugoslavia, Dr. Rade Dubajic, addressed to His Excellency Egon Alfred Klepsch, President of the European Parliament.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly, under the item entitled "Human rights questions: Human rights situations and reports of special rapporteurs and representatives", and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 18 January 1993 from the Secretary of the Presidency of the Red Cross of Yugoslavia addressed to the President of the European Parliament

The Red Cross of Yugoslavia has learned of the European Parliament resolution on the Condemnation of Mass Rape of Muslim Women in Bosnia and Herzegovina, adopted on 16 December 1993.

The Red Cross of Yugoslavia, as part of the International Red Cross and Red Crescent Movement, committed to the principles of international humanitarian law and guided by the fundamental tenets of the Movement, from the very outbreak of the armed conflict in the territory of the former Yugoslavia has been undertaking numerous actions to extend aid to all the victims of the war and following at the same time the implementation of that law. Like you, the Red Cross of Yugoslavia is appalled at the large-scale and grave crimes committed so far in this armed conflict, among which is the crime of rape of minor girls, girls and women. That crime is a violation of the basic principles of international humanitarian law on respect for the human person, of the honour, family rights, the physical integrity of victims of war, of the principle of humane treatment of victims, and of the requirement for women to be especially protected against any assault on their honour, in particular rape, forced prostitution and any form of assault on their chastity (see in particular Article 27 of the Fourth Geneva Convention of 1949 and Articles 75 and 76 of Additional Protocol I and Article 4 of Additional Protocol II thereto). Under their agreement of 22 May 1992, all the parties in the conflict undertook to respect those provisions of international humanitarian law and hence bear appropriate responsibility. At the same time, these crimes constitute a violation of basic human rights generally accepted today in the world.

The Red Cross of Yugoslavia cannot remain indifferent to these and all other crimes being committed in this armed conflict. Within the Movement to which the Red Cross of Yugoslavia belongs, the International Committee of the Red Cross has been investing steady efforts to ensure respect for international humanitarian law, including the condemnation of war crimes, which should be suppressed, all the perpetrators punished, and the further commission of such crimes prevented.

The Red Cross of Yugoslavia is therefore in full agreement with you and with all others who are appalled at these war crimes, including the crime of rape of minor girls, girls and women.

There is a steady influx of large numbers of refugees into our country from the war-torn areas and there are now over 600,000 of them of various nationalities, in particular of Muslims - around 15 per cent. Among them is a large number of women, which the Red Cross of Yugoslavia helps, in keeping with its duties. A large number of women who have fled to the Federal

Republic of Yugoslavia tell their stories, testify to the ordeals and rape to which they were subjected at the hands of the Muslim and Croatian authorities and forces in Bosnia and Herzegovina, in prisons, camps, hotels, schools, restaurants, flats turned into private prisons, sports centres and other scenes of crime. From their testimonies we learned that many women did not survive mass rape and torture. Those who did survive turned to the Red Cross and medical establishments for help. Most of these women are Serb by nationality, but the Red Cross of Yugoslavia makes no distinction whatsoever between them, and extends assistance to all the victims.

Numerous cases of women who were raped in Bosnia and Herzegovina, who survived and fled to the Federal Republic of Yugoslavia, were reported on in our mass media so that anyone interested could have learned about them, including representatives of foreign States, international organizations and foreign correspondents in our country. The public was also informed of the open letter of Madam Biljana Plavšić, member of the Presidency of Bosnia and Herzegovina, who, as early as 9 September 1992, addressed a letter to the Secretary-General of the United Nations, the United Nations High Commissioner for Refugees, the Steering Committee of the Conference on Yugoslavia and the International Committee of the Red Cross, in which, inter alia, she speaks of the large-scale rape of Serb girls and women in Bosnia and Herzegovina. This letter signalized the existence of the crime of rape on a mass scale. The letter, regrettably, met with no response, no condemnation of the crime and no action was taken so as to establish the facts or put an end to that crime. All these data were available to the European Parliament as well. From the testimonies of the women victims of this crime who survived, the Red Cross of Yugoslavia was able to learn of many such cases and of the places where these crimes were committed: Sarajevo, Hadžići, Tuzla, Bugojno, Bihać, Konjic and many other places in Bosnia and Herzegovina.

The Red Cross of Yugoslavia does not maintain special records on raped women who have escaped to the Federal Republic of Yugoslavia, but takes care of all the victims of the war who are in need, irrespective of their religious, national or any other affiliation or their sex, provides accommodation for them, supplies their food and medicaments, provides social work and welfare and tracing services for them. More specific data on women victims of rape who have fled can be obtained from numerous medical institutions in the Federal Republic of Yugoslavia, which many of these women contacted. These data testify to the massive scale of this crime, and the severe physical and psychic traumas of the victims.

While joining in your condemnation of rape and forced prostitution of women in Bosnia and Herzegovina, we are surprised at the introduction of the principle of discrimination of the victims of this crime, the ignoring of the existence of victims of this crime among Serb women. That principle is contrary to the commitments of the Red Cross of Yugoslavia, the principles of humaneness, impartiality and non-discrimination, as well as the principle of non-discrimination of the victims of war, which is unequivocally spelled out in international humanitarian law and universally accepted. All victims of war are entitled to equal protection. No nationality or religious group

should be treated as an inferior race and members of that group deprived of the right to protection and assistance as victims of war. All war crimes, irrespective of who the perpetrators and the victims are, should be punished in keeping with the law in force. The political criteria of nationality and religion should not be allowed to influence humanitarian action for protecting and assisting victims of war, or the condemnation of war crimes, because international humanitarian law has been universally adopted so as to protect all human beings from violence, crime and inhumane treatment. The Red Cross of Yugoslavia is of the opinion that all national Red Cross organizations should bring influence to bear on their respective Governments so that the principles of international humanitarian law are equally respected and that no discrimination is made among victims of war.

The primary task of the Red Cross of Yugoslavia is to extend assistance and protection to all victims of war who appeal to it. In this case it is ready to continue to extend assistance both to women victims of rape, as well as to children born as the fruit of that crime. The Red Cross of Yugoslavia does not engage in pronouncing public condemnation and trials for war crimes, which is within the competence of other bodies and organizations, but joins in the general condemnation of those crimes pronounced by others when the principles are violated of international humanitarian law, which has been developed at the initiative of the Red Cross. The Red Cross of Yugoslavia is, however, ready to make the data it has obtained through contact with victims of war available to bodies in charge of collecting data and punishing war crimes and to bodies seeking to establish the facts and the full truth to the extent possible, in keeping with the personal rights of victims of war.

We would appreciate it if you would acquaint the sponsors of the resolution with our letter.

(Signed) Dr. Rade DUBAJIĆ
Secretary of the Presidency
of the Red Cross of Yugoslavia

(Signed) Dr. Radovan MIJANOVIĆ
President of the Red Cross
of Montenegro

(Signed) Dr. Slobodanka GRUDEN
President of the Red Cross
of Serbia